



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200575091

Date: February 11, 2005

Comments Due: March 13, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Hansen Wildlife Habitat And Wetland Enhancement project, which would result in impacts to approximately 0.69 acre of waters of the United States, including wetlands, in or adjacent to the unnamed drainage which is tributary to Wise Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Richard Hansen
5595 Highway 348
Olathe, Colorado 81425
970-209-3091

LOCATION: The project site is located near Olathe in parts of Sections 29, 31, 32, Township 51 North, Range 11 West, N.M.P.M., Montrose County, Colorado, and can be seen on the Roubideau USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct three separate small dams with impoundments behind them to store water for fish and habitat enhancement as well as other uses on his 160 acre property (figure 2). Most of the water source in the small streams on the property are discharges from irrigation fields at higher elevations (return flows). The applicant states that the irrigation return flows carry heavy silt loads. It is the Hansen's desire to develop vegetative buffer strips, riparian zones, wetlands and ponds to settle out the sediment loads, meet state agency requirements, while at the same time enhancing the fish and wildlife features of the property.

The project will include the reconstruction of an existing dam at the lower end of the property, raising the dam to a height of 14 feet to allow the diversion of irrigation rights to a neighbor, who in the past has had to use heavy equipment in the stream to accomplish his diversions. This would result in no annual destruction of streambed, and riparian and wetland vegetation for irrigation diversion purposes. This dam #1 (figures 3 and 4) would inundate 205 feet of stream and adjacent wetlands in an incised channel, and impound 0.76 acre of water. The second dam (figures 5 and 6), about 8 feet high, would inundate about 350 feet of stream and adjacent wetland, and would impound about 0.52 acre of water. The third dam (figures 7 and 8), 8 feet high, would inundate 225 feet of stream and adjacent wetland, and would impound about 0.46 acre of water. The stream width averages about 30 feet at the top of bank, but the flowing water typically is about 3 feet wide, and shallow, confined to the low-flow channel. The wetland vegetation along the stream consist primarily of *Phalaris arundinacea*, *Typha*, and *Carex*. *Salix exigua* and *Tamarix ramosissima* are the few shrubs.

The existing stream does not support fish, however wildlife use of the property is substantial even though the riparian corridor is narrow. The impoundments will raise the water table, and expand the riparian corridor from 30 feet wide to about 80 feet wide. The impoundments are also expected to support fish, and the stream below the lowest dam will run cleaner water, thereby enhancing the potential for a fishery in the stream. The benches above the streambeds are agricultural.

Based on the available information, the overall project purpose is to enhance the aquatic habitat, though other purposes are included. Other purposes include: irrigation diversion, meeting Colorado Division of Water Resources regulations, and Colorado Water Court decree evaporation depletion requirements during call periods. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The site is characterized by wetland and riparian vegetation along the stream channel. The upper portions of the property are largely agricultural, including some cattle which have been fenced from the wetland and riparian areas. The bench areas above the streams which are not irrigated are primarily semi-arid in character, with sage brush and rabbit brush. The property is frequented by fowl, deer, and other indigenous species especially along the riparian corridor. The soils are primarily porous, though Mancos shale and clay inclusions occur. The property is located near the head of the drainage basin, hence anticipated flows in the streams are limited. The surrounding land uses are agricultural.

Alternatives. The applicant has not provided complete information concerning project alternatives, other than the proposed plan and the No Action Alternative. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to provide 3.3 acres of wetland mitigation to compensate for 0.69 acre of impacts.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Health Department is required for this project. The applicant has indicated they have applied for certification. The Colorado Division of Water Rights application for project impoundments is pending according to the applicant. The Colorado Division of Wildlife has been contacted by the applicant to obtain that agency's approval for the project.

HISTORIC PROPERTIES: Based on the available information from the State Historic Preservation Office, cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity

will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200575091, must be submitted to the office listed below on or before March 13, 2005:

Nicholas A. Mezei, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Nick.Mezei@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Nicholas A. Mezei, 970-243-1199, extension 13, Nick.Mezei@usace.army.mil.

Attachments: 8 drawings